

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	Michael Dib	Examiner:	Kim, Jennifer M.
Serial No.:	10/773,480	Art Unit:	1617
Filed:	February 6, 2004		
Title:	Application of 2-cyano-10-(2-methyl-3- (methylamino)-propyl) phenothiazine or a pharmaceutically acceptable salt as medicament		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Second Amendment and Response Pursuant to 37 C.F.R. § 1.111 After
a Notice of Non-Compliance Under 37 C.F.R. § 1.121

Sir:

This second amendment and response is being filed pursuant to a Notice of Non-Compliance that was mailed to Applicants' Attorney on January 22, 2008 regarding a Response to an Office Action on the merits of the claims of the above-referenced patent application that was mailed to Applicants' Attorney on July 31, 2007, having a shortened statutory period for response of three (3) months which resulted in an original due date for response of October 31, 2007. Said first response was timely filed on November 2, 2007 after a one (1) month extension of time was granted which resulted in a new due date for response of November 30, 2007. The Notice of Non-Compliance is therefore timely filed. The Notice of Non-Compliance was issued by Examiner Kim due to Applicants' inadvertent omission of the text of the withdrawn claims 8 – 20. These are now added herewith to the original response filed on November 2, 2007. The amendment and response is now fully compliant. It is respectfully

requested that the following amendments and the remarks that follow now be re-entered in this case. Amendments to the claims may be found on page 3 et. seq. while the remarks pertaining to the Examiners' rejections may be found starting at page 6.